UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/SR.11
1 December 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-ninth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 12 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

later: Mrs. WARZAZI

CONTENTS

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-13401 (E)

The meeting was called to order at 3.25 p.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

(a) THE INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS;

(b) THE REALIZATION OF THE RIGHT TO DEVELOPMENT;

(c) THE QUESTION OF TRANSNATIONAL CORPORATIONS;

(d) THE REALIZATION OF THE RIGHT TO EDUCATION, INCLUDING EDUCATION IN HUMAN RIGHTS (agenda item 4)

(E/CN.4/Sub.2/1997/7 and 8; E/CN.4/Sub.2/1997/NGO/1 and 5)

1. Mr. ZHONG Shukong said that the realization of the right to development was the only way of meeting the basic needs of the overwhelming majority of the world's population. The present situation was disquieting in that the number of poor people had increased to 1.5 billion in 1996, of whom 90 per cent led a miserable life in developing countries with an income of less than US$ 1 a day. In those countries 1.2 billion people in urban areas and an even larger number in rural areas faced serious shortages of water, whereas the consumption of tapwater in some developed countries was well over 200 litres per person per day. In addition, 1.3 billion people, of whom over 90 per cent lived in third-world countries, suffered daily from hunger. To make matters worse, the external debt burden of developing countries was increasing. It had grown from US$ 616 billion in 1980 (20 per cent of their aggregate GDP) to US$ 2,177 billion in 1996 (35.6 per cent of their total GDP). The gap between North and South was continuously widening: in terms of per capita GDP, it had grown from US$ 5,700 in 1980 to US$ 18,677 in 1995. While the developing countries were fighting hard to catch up and meet the basic needs of their population, the developed countries continued to consume without counting the cost. Figures published in 1987 by the World Commission on Environment and Development in its report entitled "Our Common Future" showed, in particular, that the developed countries, which accounted for only 2 per cent of the world's population, consumed a disproportionate share of the world's foodstuffs and other products. As the earth's resources were finite, it would be unable to sustain such consumption patterns indefinitely.

2. While nobody in the present human rights context would openly question the principle that all men were created equal, the real-life situation was in sharp contrast. Whereas 15 per cent of the world's population lived in countries with an average per capita GDP of US$ 19,665, 78 per cent lived in countries where the comparable figure was barely US$ 965 or even, in the least developed countries, US$ 238. Moreover, that 78 per cent were given no part in major economic decision-making, a fact that impeded their efforts to enforce the right to development. In addition, some wealthy countries accused the developing countries of polluting the atmosphere, whereas the per capita carbon dioxide emissions in the developed countries were five to ten times higher than in the countries of the third world. And a small number of countries persistently attempted to arrogate to themselves the role of judge and jury on the human rights situation in other countries, slandering a large

number of developing countries and creating confrontation in United Nations forums, leaving out of account inglorious episodes in their own historical records and human rights abuses currently perpetrated on their own territory.

3. It was time for an examination of conscience. Peace and sustainable development were unattainable in a world in which some lived in affluence achieved through colonization and maintained by an unjust international economic order while the great majority lived in degrading poverty. The Sub-Commission must redouble its efforts to do something tangible to redress those inequities. The previous year, it had taken a significant step in that direction by adopting resolution 1996/22 entitled "The tenth anniversary of the adoption of the Declaration on the Right to Development", a right expressly identified as an inalienable human right. It must adhere to that course by taking a number of additional measures. Firstly, it must reiterate its request to the United Nations Secretary-General in paragraph 4 of the resolution to invite all relevant United Nations bodies to step up their action aimed at promoting international cooperation for the realization of the right to development and to transmit annually to the Sub-Commission the information received. Secondly, the secretariat must keep in touch with the Office of the Secretary-General to prepare a composite document of which a limited number of copies would be distributed to the members of the Sub-Commission before its annual sessions, so that the deliberations on the subject would be more productive. Lastly, the issue of the right to development had implications for the very future of humankind and merited an in-depth examination.

4. In that connection, he suggested four points for consideration. Firstly, the relationship between development and meeting basic human needs. Secondly, the relationship between development and the enjoyment of all human rights: political, economic, social and cultural. Thirdly, the relationship between development and protection of the environment. And fourthly, involvement of the industrial countries in the socio-economic development of third world countries. Such involvement was necessary because the developed and developing countries shared the same planet. To protect it, they had agreed to assume common but differentiated responsibilities, a principle that had been enshrined in a series of conventions signed at, or since, the 1992 United Nations Conference on Environment and Development. Besides, in helping the developing countries, the developed countries were helping themselves. As economies became increasingly interdependent, worsening poverty led to shrinking world markets. Conversely, realization of the right to development generated a growing demand which was in the interests of all.

5. The Sub-Commission had great potential for promoting the realization of the right to development of the overwhelming majority of the world's population. The interests of humankind as a whole were at stake at the dawn of the new millennium.

6. Mr. YAIMA (Society for Threatened Peoples) drew the Sub-Commission's attention to the plight of the peoples of the Indo-Burma region under Indian occupation - the so-called north-eastern region of India comprising the present States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram,

Nagaland and Tripura. For the previous 50 years or so India had been depriving the peoples of that region of their economic, social and cultural rights.

7. Under the Indian Constitution the peoples of the region did not enjoy the right freely to dispose of their natural wealth and resources, which were plundered by the State to feed industries on the mainland; the Indian Government was exploiting the region without doing anything to promote its development. The situation was further complicated by the huge population influx from the Indian sub-continent. For example, the indigenous Tripura people, who had accounted for over 80 per cent of the population of the State of Tripura at the time of its annexation by India in 1949, constituted less than 30 per cent at the present time. Other States, particularly Assam and Manipur, were facing the same danger.

8. That colonial economic situation made the realization of social rights unthinkable. Cut off from the outside world, the region was unable to benefit from international cooperation. Food production and conservation methods remained primitive for lack of technical and scientific knowledge and the development of human resources. In the circumstances, the right to social security, the right to an adequate standard of living and the right to the highest attainable standard of physical and mental health remained dead letters. As to the right to education, the curriculum imposed by the Indian Government had discarded the history of the region and made the Hindi and Sanskrit languages compulsory in many schools of the region. The very content of education had thus become detrimental to the full development of the personality of the region's students.

9. Moreover, cultural interaction had become more a process of systematic assimilation. Indian products were omnipresent in the region, to which there was a continuing influx of population from the mainland, and the only information available was that provided by media controlled by the occupiers; the peoples of the region had quite simply been overwhelmed by the Indian cultural invasion. In the circumstances, the preservation and especially the development of their own distinctive cultural identity had become problematical.

10. Yet the region had never been a part of India, even at the time of the British Empire. It was only in 1949 that India, in the wake of the British departure, had annexed those States and since that time the peoples of the region had been demanding their right to self-determination. India had reacted by fighting an undeclared war in the region to suppress the struggle for self-determination, and in the process its armed forces had committed flagrant human rights violations including summary executions. His organization was of the view that the peoples of the Indo-Burma region should be allowed freely to determine their political status and freely pursue their economic, social and cultural development, as guaranteed by article 1, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights. At a time when it was celebrating the fiftieth anniversary of its independence, it was time for India to recognize the basic human rights of the peoples under its colonial occupation.

11. Mrs. Warzazi took the Chair.

12. Mr. YUN DONG HWAN (International Association of Democratic Lawyers), also speaking on behalf of the Association for Human Rights of Koreans in Japan, said that his organization appreciated the opportunity of making a statement under agenda item 4 and welcomed and supported the final report on the question of the impunity of perpetrators of human rights violations, prepared by Mr. Guissé (E/CN.4/Sub.2/1997/8). He then gave the floor to another member of his Association.

13. Ms. KIM CHUM DAK (International Association of Democratic Lawyers) said that about 680,000 Koreans living in Japan, victims of former Japanese colonial rule in Korea or descendants of those who had forcibly been taken to Japan, were unable to enjoy the same economic, social and cultural rights as Japanese or other foreigners living in Japan. The Koreans living in Japan had therefore established a country-wide network of over 140 ethnic schools in order to win back their fundamental rights and cultural heritage. Those schools had the same curriculum as public and private Japanese schools, but in addition offered courses in the Korean language, history and culture. However, they did not enjoy the same legal status as Japanese schools or other foreign schools in Japan on the grounds that, under the Japanese education law, they were not recognized as regular schools and because instruction was not in Japanese.

14. Discrimination was most obvious in three areas. Firstly, graduates of Korean schools were not admitted to Japanese universities and institutes, despite the fact that certain major Japanese universities accepted their applications. Secondly, the Japanese Government refused to extend to Korean schools the tax rebates enjoyed by Japanese schools and other foreign schools, such as the international schools in Yokohama and Kobe. Lastly, Koreans who wore the national costume ("chima-chogori") at school were being physically assaulted; there had been over 160 such incidents during the 1990s.

15. The policy pursued by the Japanese Ministry of Education prevented Koreans from realizing their economic, social and cultural rights, since it was designed to speed up their assimilation in Japanese schools. That policy was not so far removed from the racial cleansing policy practised during colonial times. In accordance with article 13, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights which stated that "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools other than those established by the public authorities", his organization and the Association for Human Rights of Koreans in Japan therefore urged the Sub-Commission to request the United Nations High Commissioner for Human Rights to conduct an investigation of the status of Koreans in Japan and to offer appropriate advice to the Japanese Government on the basis of the High Commissioner's reports.

16. Mr. HALEPOTA (Liberation), noting that human rights and fundamental freedoms were indivisible, said that the realization of economic, social and cultural rights was, as emphasized by Mr. Guissé in his report (E/CN.4/Sub.2/1997/8, para. 9), of crucial importance for the effective exercise of civil and political rights.

17. Failure to respect economic and social rights led to political instability, as was clear from the situation in Albania. Multinational companies made huge profits to the detriment of the population at large and workers, as had been discovered by the hundreds of dockers who had been sacked at Liverpool in 1995 by the Mersey Docks and Harbour Company. Most of the loans granted by IMF were used by the borrowing Governments for the purchase of military equipment to subjugate the people, as in Burma, Nigeria, Serbia and Pakistan.

18. In Pakistan, for example, almost one quarter of the State budget was earmarked for military expenditure as against 0.01 per cent for education. Moreover, the State of Sind, which provided the Federal State with 60 per cent of its revenue, was allocated only 5.85 per cent of the total budget and therefore demanded the right to self-determination. The economic, social and cultural rights of the Sindhis were systematically violated. The Government seized their land for use by the defence forces or to be given to settlers from outside, whose increasing numbers severely threatened traditional ways of life and the crops of the indigenous inhabitants. The shameless exploitation of natural resources, such as water, petroleum, gas, coal and forests, had dramatic consequences for agriculture and the environment. Many secondary schools had been closed down and large numbers of Sindhis employed by the Government and autonomous departments were being laid off without prior notice or compensation; for those reasons, the United Nations should send a fact-finding mission to Sind. His organization also appealed to the international community to support the Sindhis in their peaceful struggle against neocolonialism, the occupation of their land and the destruction of their civilization.

19. Mr. ELIAS KHOURI (Union of Arab Jurists) recalled that economic, social and cultural rights were guaranteed by the International Bill of Human Rights, and specifically by articles 1 and 11 of the International Covenant on Economic, Social and Cultural Rights. Nevertheless, social achievements were threatened in the developed countries and poverty was increasing in the developing countries which, in order to repay their foreign debt, were obliged to adopt draconian austerity plans whose first victims were the most disadvantaged.

20. Moreover, the hegemony of the great Powers and multilateral corporations over international policy resulted in armed intervention, in widening the gulf between rich and poor and in economic sanctions against developing countries. For example, the embargo imposed on Iraq by the Security Council, in violation of international law, was having fearful consequences for the Iraqi people, who were experiencing serious shortages of medicines and foodstuffs, as was clear from the sharp increase in the mortality rate, particularly among children, women and the elderly. His organization therefore appealed to the international community to lift the embargo imposed on the Iraqi people and thereby put an end to their suffering.

21. Ms. PARKER (International Educational Development) said that her organization shared the view expressed by Mr. El Hadji Guissé in his report (E/CN.4/Sub.2/1997/8) concerning the embargo that in no case should a people be deprived of medicine and food (para. 70). Yet in Iraq, for example, thousands of deaths and many illnesses were, according to the World Health

Organization and UNICEF, directly attributable to the embargo imposed on that country. Moreover, despite the conclusion of the "oil for food" arrangement, neither food nor medicines had yet reached Iraq. The use, during the Gulf War, of weaponry containing depleted uranium explained the increasing incidence of congenital abnormalities and cancers among children born after the war. Iraqi doctors were unable to remedy that catastrophic situation for want of suitable medical equipment. She noted, furthermore, that United States military personnel who had served in the war and had been exposed to radiation emitted by depleted uranium were suffering from the same illnesses as Iraqi children and civilians.

22. Her organization endorsed the idea presented by Mr. Guissé in his report that violations of economic, social and cultural rights gave entitlement to a remedy for the damage they had caused (para. 127) and that the international responsibility of their perpetrators, whether individuals, human groups, companies, States or regional or international organizations, became engaged (para. 128). Yet prevention played a vital role in that respect. Consequently, the development, stockpiling, testing and use of weapons containing depleted uranium, as well as chemical and bacteriological weapons, should be prohibited in all circumstances. As for the embargo, the fact that it had been imposed by the international community and had resulted in massive human rights violations constituted, in Mr. Guissé's words, "an utter aberration and the greatest contradiction developed within the United Nations system" (para. 70). For that reason all States should actively protest the imposition of embargoes and other acts whose main result was undue hardship for the civilian population.

23. Mr. TEITELBAUM (American Association of Jurists) said that the distribution of wealth around the world was becoming increasingly unequal as a result of the deterioration of terms of trade, international financial speculation and the concentration of investments in certain regions of choice. The same was true of the distribution of income.

24. Referring to the question of the impunity of persons responsible for the violation of economic, social and cultural rights, he said that his organization and the Centre Europe-Tiers Monde (CETIM) had organized two seminars on the subject, one at the United Nations Office at Geneva in November 1996 and the other at the Carlos III University in Madrid in April 1997, at which ways of preventing, punishing and providing compensation for such violations had been examined. A summary of the work of those two seminars, in which academics, Mr. El Hadji Guissé, the Special Rapporteur on the question, as well as officials of various United Nations bodies in a private capacity, had participated, was available in Spanish and French. His organization and CETIM had also submitted to the Sub-Commission a written statement (E/CN.4/Sub.2/1997/NGO/16) which contained a list of 15 suggestions and recommendations designed to tackle the problem of impunity. His organization was of the view that Mr. Guissé's report (E/CN.4/Sub.2/1997/8) did not deal with all aspects of the problem. An effort must be made, for example, to make a thorough study of cases in which non-State bodies should be regarded as responsible for international crimes.

25. He emphasized that transnational corporations wielded an incredible amount of economic power, that they were supported by the armed forces of

certain great Powers and that their sole objective was to make as much profit as possible. In order to do so they did not shrink from committing serious human rights violations. That was illustrated by the example of the United Fruit Company which had participated in the overthrow of the Government of Jacobo Arbenz in Guatemala in 1954, and the more recent example of the Nike Company, which made staggering profits by paying starvation wages to the women it employed in Viet Nam.

26. At a time when Mr. Kofi Annan, the Secretary-General of the United Nations, was about to realize a long-standing dream of the transnational corporations, namely, rendering their presence within the United Nations system official by proposing the establishment of a United Nations Enterprises Liaison Service and arrangements with leading business organizations (Action 17 (c) and (d) in the Secretary-General's report A/51/950), the Sub-Commission should react energetically by taking into account the many studies of the question carried out by the Division for Transnational Corporations and Investment, ILO and social and political economists throughout the world. His organization, for its part, could make available to the Sub-Commission a 16-page document dealing with the impact of the methods of work and activities of transnational corporations on the enjoyment of human rights.

27. Mr. ZAFAR (World Muslim Congress), also speaking on behalf of the International Islamic Federation of Students' Organizations, congratulated Mr. Guissé for his excellent report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1997/8). Even though the report was extremely comprehensive, certain aspects might have deserved greater attention. The Special Rapporteur could, for example, have included a section on the question of the continuing practices of colonization and foreign occupation, since not all peoples were yet in a position to exercise their right to self-determination, such as those of Kashmir and the territories occupied by Israel. Moreover, a clear link could have been established between the violation of economic, social and cultural rights and the violation of civil and political rights. Foreign occupation had an impact on the exercise not only of civil and political rights, such as the right to self-determination and the other rights embodied in the International Covenant on Civil and Political Rights, but also on economic, social and cultural rights. He gave as examples the consequences of the restrictions imposed by the Israeli authorities on the freedom of movement of Palestinians, which affected their freedom of employment, and the disastrous economic consequences of the curfew imposed for weeks on end by the Indian forces of occupation in Kashmir.

28. Furthermore, the excellent idea that if a State tolerated in its own territory, or in territory that it was occupying by force, the commission of acts by individuals that constituted violations, it bore responsibility for such acts and must prevent impunity, could have been further elaborated upon. Some States deliberately violated the rights of peoples in the territories they occupied, either to punish them or to keep them in bondage, and the perpetrators of such violations were persons who carried out the policies of the occupying Power. How could such an occupying Power then "prevent impunity"? It was a time-honoured tradition of occupying Powers to try to emphasize the "right to life" as the first and foremost right, which for them

meant that persons under foreign occupation or alien domination should be thankful for being allowed to live. From that standpoint, an armed struggle to reclaim the right to self-determination jeopardized the right to life and constituted a violation of that right. However, as emphasized by Mr. Guissé in paragraph 9 of his report, where he referred to the preamble common to the two international covenants on human rights, the ideal of free human beings enjoying freedom from fear and want could be achieved only if conditions were created whereby everyone might enjoy his economic, social and cultural rights as well as his civil and political rights. The right to life was therefore meaningless unless it was accompanied by the right to self-determination and other fundamental rights.

29. He also emphasized that all the rights mentioned by Mr. Guissé in that part of his report dealing with violations of individual economic, social and cultural rights (III, section B), were also collective rights, and particularly the right to education. Mr. Guissé had concentrated on the consequences of inadequate resources being allocated to education. Yet there was another dimension to that problem, namely, the deliberate denial of education by a foreign occupying Power to a population as punishment for espousing its fundamental rights (closing of schools, colleges and universities, imposed curricula, texts presenting a different version of history, and obligation to learn the language of the occupying Power as the price of education). All that was happening in Kashmir under Indian occupation. In conclusion, his organization hoped that the Special Rapporteur would take account of its suggestions, which were designed to make his report more comprehensive, as being of a constructive nature.

30. Ms. MARWAH (International Institute for Non-Aligned Studies) paid homage, on the occasion of the fiftieth anniversary of India's independence, to those who had perished in the struggle for India's independence as well as to the founding fathers of the Indian State. Democracy, equality and freedom for all were enshrined in the Indian Constitution. The economic models that had been adopted had taken into account that country's diversity of religions, cultures, beliefs and customs and had been consciously selected so as not to impose on the people practices that were incompatible with its long history. Despite the vicissitudes that India had experienced during the previous five decades (war, pestilence, natural calamities and, at the present time, terrorism), its people had retained their faith in the precepts of democracy, law and the equality of all. Although poverty and illiteracy were still major problems, India was poised on the threshold of an economic resurgence as a result of the Government's determination to ensure that the Indian people would be able fully to exercise its right to development and enjoy the benefits of development in freedom. The contribution made by Indians to the cultures and the economies of other countries was well recognized at the present time. In India, religion, customs and tradition coexisted with modern scientific and technological systems. There was no universal model of development and each nation had to decide at what pace it was to proceed in the light of its resources and its cultural and social traditions. The more ancient a society, the more gradual had to be its process of change. Despite the criticism levelled at its development process, India was proud that it had always controlled the disruptive effects of unduly rapid development.

31. Although the developing countries needed assistance on the road to economic, social and cultural development, they did not wish to have economic and other conditions imposed on them in the political and strategic interest of the donor countries. It was most regrettable therefore that the developing countries should be asked to make a choice between reorienting their social and production structures to fit models developed elsewhere or being left to their own devices and cut off from markets for their products.

32. A concerted development effort had been made in the region with the formation of the South Asian Association for Regional Cooperation, and its positive effects were already being felt, even though vestiges of the colonial era were still hampering the blossoming of such cooperation. It was essential that the countries of the region should realize that some issues had to be tackled over a period of time while in other areas immediate action could provide early and tangible results for the benefit of all. The international community and the non-governmental organizations (NGOs) should also encourage that process of regional cooperation and provide the technological and scientific tools necessary for its consolidation.

33. Mr. ALI (Afro-Asian People's Solidarity Organization) said that the opportunity offered to people to realize their economic, social and cultural rights was a function not only of the internal situation in their own country but also in that of neighbouring countries. The notion of development was often regarded as synonymous with the creation of material wealth, and the impact on human development of educational, legal, constitutional and political structures was frequently ignored. Yet democracy and freedom were prerequisites for development and the realization of social, cultural and economic rights.

34. In some countries, such as India, the population burden had prevented the full realization of the potential of the people, who did not yet fully enjoy the benefits of the economic, technological and scientific advances that had taken place in recent decades. Yet despite the turbulence experienced by India, which had recently included terrorism, the Indian people had repeatedly reaffirmed their faith in the democratic process. Although poverty and other social ills still persisted, the country's constitutional and legal system ensured equal treatment for all citizens. At the present time, India was poised for an economic takeoff and the path it had adopted could only result in the betterment of the lives of its people.

35. In Pakistan, on the other hand, the people were still suffering from the legacy of years of military dictatorship, and democracy was still a fragile concept. Its leaders had established a constitutional, legal and institutional system that sanctioned discrimination between various segments of society based on religion and even gender merely to perpetuate the power of a particular class. Some of Pakistan's leaders had clearly stated that democracy was not suitable for Pakistan and were busy exporting their ideology to neighbouring countries, such as Afghanistan. Whereas people in India were seeking ever-higher levels of education, many Pakistani children were being provided with an education intended to divorce them from the modern world and take them back to the Middle Ages. After 50 years of independence, Pakistan was increasingly recognized as a haven for groups engaged only in violent activities within the country and beyond its borders.

36. Fighting poverty was a global task to which all countries should contribute. That was why countries that were trying to take their people back to the Middle Ages and developing ideologies that threatened life and humanity must be made to understand that recent remarkable advances in science and technology could contribute to the elimination of poverty. The developed countries should therefore use their resources not to promote their political and strategic objectives in such countries but to encourage the Governments concerned to improve living standards, transform educational systems and make known the virtues of democratic freedoms. Then and only then would the people of those countries be able to realize their economic, cultural and social rights.

37. Ms. RUBY (International Institute of Peace) said that the right to development presupposed that each individual was free to move along a productive path best suited to his unique capabilities and in the interest of the society in which he lived. Unfortunately that premise was being subverted by politics, and the right of development was becoming hostage to political structures, some of which were deliberately aimed at hampering human development and institutionalizing discrimination. What could the individual do when he was not master of his own destiny and when his fundamental rights were flouted by thinly disguised colonial systems? The people of Jammu and Kashmir, annexed by Pakistan in 1947, were denied all their rights and were at the mercy of their rulers in Islamabad.

38. Economic development was also seriously hampered by armed conflicts which could, in a single year, destroy the social and economic progress painfully achieved over decades. Unfortunately it was precisely the countries which should do everything possible to improve the standards of living of their people which had been affected the most by armed conflicts in recent years. In Afghanistan, for example, the people were at the mercy of armed men, imbibed with values taught in fundamentalist schools in Pakistan. Its infrastructure had been destroyed and the country was barren - both materially and in human terms. The only persons who had benefited from the conflict were those who sold weapons to various armed groups and warring parties. The people of Jammu and Kashmir had also been subjected to the diktat of those who wished to establish the so-called rule of God based on discrimination and repression. Armed conflicts were destroying previously stable and harmonious societies and preventing them from moving along the path of development. Proxy armies and mercenaries hiring their services to the highest bidder had made their appearance during the previous 10 years and nation States did not have the power or will necessary to put an end to that trend, which was diverting an increasing number of countries from the objective of development.

39. Conflicts based on religion, race or creed or political imperatives must be curbed and all countries must adopt the notion of the world family and cooperate in order to ensure the development of all its members.

40. Ms. MILLI (International Association against Torture) said that many of the "developed" countries were hampering the realization of economic, social and cultural rights, and in particular the right to development, because they were refusing to recognize the equality of all rights and continued to practise racism.

41. For example in the United States, which proclaimed itself the world's champion of human rights, the treatment of Blacks rivalled that of South African apartheid in its heyday. In 1995, 1 per cent of families in the United States had owned 40 per cent of its wealth. Moreover, although they were the most affected by AIDS, Blacks and Hispanics were much less likely than Whites to have access to new treatment. Also in 1995, 21 per cent of the Blacks and 33 per cent of the Hispano-Americans lacked health care insurance, as against 14.2 per cent of Whites. In the face of demographic trends that would soon place the white population in a minority, the Government of the United States was making pathetic efforts to change the description of population categories for the next census, thereby hoping to maintain the racial supremacy of Whites. Furthermore, as in Europe, the upsurge of xenophobia in the United States was connected with the crisis of capitalism: owing to the automatization of the economy, illegal and cheap foreign manpower was no longer necessary. An illustration of the consequences of the systematic underdevelopment policy aimed at the black population of the United States was the fact that the life expectancy of black adolescents was much less than that of white adolescents.

42. At the cultural level, voluntarist policies designed to offset the effects of racism had unfortunately been abandoned. In the same way as economic imperialism consisted in the export of domestic commodities, cultural imperialism consisted in the export of domestic, namely, American culture, throughout the world. The expulsion and deportation to their country of origin of foreigners who had been sentenced in the United States also raised additional problems for the countries concerned since the extremely violent attitudes such deportees had acquired in the United States could have a negative impact on the culture of their country of origin. Yet local cultures had to be preserved if economic, social and cultural rights were to be effectively realized.

43. Although the principle of the indivisibility of human rights had been embodied in the Vienna Declaration, the United States had consistently refused to recognize economic, social and cultural rights. The Sub-Commission should therefore call upon the United States to ratify the International Covenant on Economic, Social and Cultural Rights and use the United States as a case study of the problem of the denial of economic, social and cultural rights, and in particular the right to development.

44. Mr. MAXIM said that education was of vital importance to the dignity of individuals and the realization of human rights. All the human rights embodied in international instruments were important, but the realization of the right to education was essential to the enjoyment of many other rights. It was therefore impossible to overemphasize the need, in a genuine democracy, to educate all elements of society and in particular those in power.

45. Yet the actual situation in various rich or poor countries revealed that human rights teaching was a complex and permanent process. Insofar as the process provided adequate education to individuals and inculcated them with moral and professional ethics, it should help to resolve many of the problems being tackled by the Sub-Commission and Commission. The education of young persons in particular presented difficulties, since the media were constantly giving examples of bad behaviour by adults or preventing negative stereotypes,

and a large part of public opinion appeared to be powerless or resigned in the face of abuses.

46. Human rights teaching should therefore become a priority for Governments, churches and civil society as a whole in the framework of the United Nations Decade for Human Rights Education. An important contribution could also be made by the Sub-Commission in the various areas with which it dealt, such as indigenous populations, minorities, the rights of women and contemporary forms of slavery, as well as by the NGOs. Yet in view of the moral decadence taking place it was urgent that everyone should take action to promote education.

47. Mr. Bengoa resumed the Chair.

48. Mr. GARCIA PICOLA (Pax Romana) said that, despite the negative impact of the activities of transnational corporations on the realization of the right to development, the Commission on Human Rights had taken no final decision in the matter. Some of those corporations therefore continued to violate human rights, and particularly the rights of minorities, with impunity. In Peru, for example, the Shell Oil Company had in June 1997 embarked on a natural gas extraction project in the Urumba forest that the authorities had reserved for the indigenous population. That project, which would last 40 years and involve US$ 2.7 million, had been authorized and work had begun without any restrictions; yet in 1993 the Texaco Company had caused an ecological catastrophe in similar conditions in Ecuador. The Ecuadorian Government had, however, decided to support the complaint brought by the indigenous inhabitants against Texaco.

49. The privatization of State monopolies in favour of transnational corporations in the context of structural adjustment programmes also involved violations of social rights. In Bolivia the fact that the social provisions initially included in the privatization agreement of the National Petroleum Company in April 1997 had not been respected had given rise to demonstrations by employees. Moreover, Guatemala's Social Security Institute had been dismantled under its structural adjustment programmes with the result that most of the population no longer had access to health services, which were now available at market prices, and it was deprived of its right to health.

50. The activities of transnational corporations also violated political rights. In Afghanistan, Western pressure groups supported the Taleban and the civil war in order to retain control of the gas pipeline between Pakistan and Turkmenistan and to protect the investments of certain transnational corporations in the region. The legislation promulgated by the Taleban in Afghanistan had, from the standpoint of human rights, had nefarious consequences which were only too well known. Transnational corporations should not play with human rights with such impunity.

51. Nor were the rights of workers spared by the activities of certain corporations. In 1988, Nike had transferred its South Korean plants to Indonesia because "democracy had arrived in the country". Whereas 99 per cent of Nike's products were made in the underdeveloped countries, its workers received only 0.18 per cent of sales proceeds. Most of Nike's workers in

Indonesia received the minimum wage, and even that wage had not been paid until April 1997 by one of its subcontractors as a result of a worker demonstration that was crushed savagely.

52. Pax Romana did not, however, consider that the cause was lost. In India, Campo, a cacao processing and marketing cooperative, had signed an agreement in 1990 with the Nestlé company under which Nestlé was to be supplied with 2,000 to 4,000 tonnes of chocolate and cacao by-products per year. In that way it had succeeded in thwarting Nestlé's designs, namely, to control chocolate-making plants for a period of 30 years. That example demonstrated that the activities of transnational corporations in the underdeveloped countries could, if controlled, be a source of economic growth and stability based on United Nations principles.

53. The protection of human rights implied regulation of the activities of transnational corporations. Unfortunately the Commission on Human Rights had done nothing tangible with a view to the formulation, adoption and application of the code of conduct proposed by the Open-ended Working Group on Structural Adjustment Programmes and Economic, Social and Cultural Rights established by the Commission. The proposal by the Committee on Economic, Social and Cultural Rights concerning the appointment of a special rapporteur on such rights and the proposal by the Sub-Commission in resolution 1996/39 on the establishment of a Working Group to examine the effects of the activities of transnational corporations had not produced any results. His organization therefore called for a study on the basis of the mandate initially envisaged for that Working Group. In that way the Sub-Commission would be tackling an urgent problem and could make a further contribution to the protection of economic, social and cultural rights as a whole in accordance with the hopes expressed by the Commission in resolution 1997/17.

The meeting rose at 5.55 p.m.